

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JESSE HOUGHTAILING,
Plaintiff,
v.
CROWN EQUIPMENT CORP.,
Defendant.

NO. C11-5040 TEH

**ORDER GRANTING MOTION
TO WITHDRAW BY COUNSEL
FOR PLAINTIFF**

This matter comes before the Court on a motion by James A. Du Charme to withdraw as counsel for Plaintiff Jesse Houghtailing. The Court finds this motion suitable for resolution without oral argument and hereby VACATES the December 16, 2013 hearing.

Upon review of the motion papers, the Court finds good cause for granting the motion for two independent reasons. First, there appears to have been a breakdown in the attorney-client relationship that “renders it unreasonably difficult for [counsel] to carry out the employment effectively,” thus making withdrawal proper under California Rule of Professional Conduct 3-700(C)(1)(d). Second, Mr. Houghtailing consents to the withdrawal and, in fact, states that he “no longer wish[es] to continue with James A. Du Charme as [his] attorney.” Houghtailing Decl. ¶ 2. Consequently, withdrawal is also proper under California Rule of Professional Conduct 3-700(C)(5).

Mr. Houghtailing further states that he is in the process of interviewing other attorneys in an attempt to secure new counsel and requests a continuance of the trial date. Defendant Crown Equipment Corporation (“Crown”) does not oppose the motion to withdraw or continuance of the trial date, nor has Crown asserted any claims of prejudice.

Accordingly, with good cause appearing, IT IS HEREBY ORDERED that:

1. Mr. Du Charme's motion to withdraw as Plaintiff's counsel is GRANTED.
2. The January 28, 2014 trial date and all related pretrial deadlines are VACATED.

3. Mr. Houghtailing shall act diligently in attempting to locate a new attorney.

2 4. If Mr. Houghtailing successfully locates a new attorney, that attorney shall file a
3 notice of appearance and begin meeting and conferring with opposing counsel as soon as
4 possible.

5 5. This matter is set for a case management conference on **January 27, 2014**, at
6 **1:30 PM, in Courtroom No. 12, 450 Golden Gate Avenue, San Francisco, CA**. The
7 parties shall file a joint case management conference statement on or before **January 17,**
8 **2014**.

9 6. Mr. Houghtailing shall personally appear at the case management conference,
10 either on his own or accompanied by his new attorney. If he has not yet located a new
11 attorney, Mr. Houghtailing must come prepared to discuss his search efforts with the Court,
12 as well as whether he continues to seek an attorney or whether he is prepared to proceed to
13 trial without an attorney. If Mr. Houghtailing fails to appear at the case management
14 conference, then this case will be dismissed for failure to prosecute.

15 7. Pursuant to Civil Local Rule 11-5(b), papers may continue to be served on
16 Mr. Du Charme for forwarding purposes to Mr. Houghtailing until substitute counsel files a
17 notice of appearance or until the record reflects that Mr. Houghtailing will be proceeding
18 without counsel.

19 8. Mr. Du Charme shall serve a copy of this order on Mr. Houghtailing and file proof
20 of such service on or before **December 16, 2013**.

22 IT IS SO ORDERED.

24 | Dated: 12/11/13

Kathy Johnson